

**ZONING MAP CHANGE REPORT**

**Meeting Date: August 15, 2011**

Table A. Summary			
Application Summary			
Case Number	Z1100011	Jurisdiction	City
Applicant	Self Help Ventures Fund	Submittal Date	April 11, 2011
Reference Name	Historic Y.E. Smith School	Site Acreage	2.499
Location	107 South Driver Street, between East Main Street and Hart Street with frontage on South Driver Street and South Guthrie Avenue		
PIN(s)	0831-15-63-4510		
Request			
Proposed Zoning	Residential Suburban – 5(2) (RU-5(2))	Proposal	Private School (not committed)
Site Characteristics			
Development Tier	Urban		
Land Use Designation	Medium-High Density Residential (8-20 DU/Ac.)		
Existing Zoning	Residential Urban – Multi-family with a development plan (RU-M(D))		
Existing Use	Vacant Community Service		
Overlay	N/A	Drainage Basin	Falls Lake
River Basin	Neuse	Stream Basin	Ellerbe Creek
Determination/Recommendation/Comments			
Staff	Staff determines that this request is consistent with the <i>Comprehensive Plan</i> and other adopted policies and ordinance.		
Planning Commission	Approval, 12 – 0 on June 14, 2011. The Planning Commission finds that the ordinance request is consistent with the adopted <i>Comprehensive Plan</i> . The Commission believes the request is reasonable and in the public interest and recommends approval based on comments received at the public hearing, the information in the staff report.		
DOST	None provided		
BPAC	None provided		

## A. Summary

This is a request to change the zoning designation of 2.499 acres of land from RU-M(D) to RU-5(2) for the intended (but not committed) purpose of a private school. The subject property is located at 107 South Driver Street, between East Main Street and Hart Street with frontage on South Driver Street and South Guthrie Avenue (see Attachment 1, Context Map). This request is consistent with the future land use designation of the *Comprehensive Plan* which designates this parcel as Medium-High Density Residential (8-20 DU/Ac.). Appendix A provides supporting information.

## B. Site History

This site is the original location of Y.E. Smith Elementary School, now located two blocks east on East Main Street. In 1997, Triangle Residential Options for Substance Abusers, Inc. (TROSA) applied for a Major Special Use Permit (Case M97-6) for a College and University use including classrooms, a dormitory, and administrative offices. This permit was granted by Council January 15, 1998 but the project was never developed. Most recently, a zoning map change (Case P03-13) approved by Council on May 5, 2003, limited the use of this site to elderly housing as defined by Federal law.

To permit the applicant's proposal to return this site to a school, a zoning map change is required to remove the commitment for elderly housing, in addition to seeking a minor special use permit for an educational facility.

## C. Review Requirements

Planning staff has performed a sufficiency review for this Zoning Map Change request (reference UDO Sec. 3.2.4, Application Requirements [general] and 3.5.5, Application Requirements [for a Zoning Map Change]). This staff report presents the staff findings per Sec. 3.5.8, Action by the Planning Director, on the request's consistency with the Unified Development Ordinance and applicable adopted plans.

This review is based primarily on compliance with all applicable laws, plans, or adopted policies of City Council. Any issues or concerns raised in this report are based on best professional planning practice unless they have a basis in adopted plans, policies, and/or laws.

## D. Unified Development Ordinance (UDO) Compliance

This request is consistent with the requirements of the Unified Development Ordinance. There is no development plan associated with this request. As such, there are no voluntary limitations imposed to the requested RU-5(2) zoning district.

Appendix D provides supporting information.

**Determination.** If the RU-5(2) district were approved, this request would allow for single family development on lots of 5,000 square feet or greater or duplexes on lots of 7,000

square feet or greater. The applicant's proposal for a private school would be permissible with the approval of a minor special use permit by the Board of Adjustment.

## E. Adopted Plans

A zoning map change request shall be consistent with the *Comprehensive Plan*. As such, other adopted plans have been included by reference in this document. Table E, Adopted Plans, in Appendix E identifies the applicable policies of the *Comprehensive Plan* and other adopted plans included by reference.

**Determination.** The requested zoning district is consistent with Future Land Use Map as well as other applicable policies of the *Durham Comprehensive Plan*.

## F. Site Conditions and Context

**Site Conditions.** This site was originally developed as an elementary school with a two-story main building fronting on South Driver Street and two accessory structures along the frontage of South Guthrie Street. There is minimal landscaping, as is typical for development from this period, with a few trees along the southeast of the property and a few along the street frontages (see Attachment 3, Aerial Photography).

**Area Characteristics.** This site is in the Urban Tier in the Northeast Central Durham area and mostly surrounded by single-family residential development.

Appendix F provides a summary of the uses and zoning in the more immediate vicinity of the subject site.

**Determination.** The proposed RU-5(2) district meets the ordinance and policy requirements in relation to site and context and is a reasonable request given the surrounding uses and zoning.

## G. Infrastructure

The impact of the requested change has been evaluated to estimate its potential impact on the transportation system, water and sewer systems, and schools. In each case, the impact of the change is evaluated based upon a change from the most intense development using the existing land use and zoning to the most intense use allowed under the request.

See Appendix G for additional information.

**Determination.** The proposed RU-5(2) district is consistent with *Comprehensive Plan* policies regarding infrastructure impacts.

## H. Staff Analysis

Staff has determined that this request is consistent with the *Comprehensive Plan* and other adopted policies and ordinances. This site is entirely surrounded by the RU-5(2) zoning district. As such this site could be developed consistent with the area. Should the applicants pursue a minor special use permit to repurpose this site as an educational facility, any proposed development would need to meet current regulations.

## I. Contacts

Table I. Contacts		
Staff Contact		
Amy Wolff, Senior Planner	Ph: 919-560-4137, ext. 28235	Amy.Wolff@DurhamNC.gov
Applicant Contact		
Agent: Jason Gable, AIA, Belk Architecture	Ph: 919-286-2575	jason@belkarchitecture.net

## J. Notification

Staff certifies that newspaper advertisements, letters to property owners within 600 feet of the site and the posting of a zoning sign on the property has been carried out in accordance with Section 3.2.5 of the UDO. In addition, the following neighborhood organizations were mailed notices:

- Inter-Neighborhood Council
- Partners Against Crime – District 1
- Fayetteville Street Planning Group
- Ellerbee Creek Watershed Association
- Friends of Durham
- Unity in the Community for Progress

## K. Summary of Planning Commission Meeting June 14, 2011 (Case Z1100011)

**Zoning Map Change Request:** RU-M(D) to RU-5(2)

**Staff Report:** Ms. Wolff presented the staff report.

**Public Hearing:** Chair Brown opened the public hearing. Two people spoke in favor and none spoke against. Chair Brown closed the public hearing.

**Commission Discussion:** None.

**Motion:** Recommend Approval (Mr. Whitley, Mr. Brine 2<sup>nd</sup>)

**Action:** Motion carried, 12-0.

**Findings:** The Planning Commission finds that the ordinance request is consistent with the adopted *Comprehensive Plan*. The Commission believes the request is reasonable and in the public interest and recommends approval based on comments received at the public hearing, the information in the staff report.

## L. Supporting Information

Table K. Supporting Information		
Applicability of Supporting Information		
Appendix A	Application	Attachments: <ol style="list-style-type: none"> <li>1. Context Map</li> <li>2. Future Land Use Map</li> <li>3. Aerial Photography</li> <li>4. Application</li> <li>5. Owner's Acknowledgement</li> <li>6. Submittal and Review History</li> </ol>
Appendix B	Site History	n/a
Appendix C	Review Requirements	n/a
Appendix D	Unified Development Ordinance	Table D1: Designation Intent Table D2: District Requirements
Appendix E	Adopted Plans	Table E: Adopted Plans
Appendix F	Site Conditions and Context	Table F: Site Context
Appendix G	Infrastructure	Table G1: Road Impacts Table G2: Transit Impacts Table G3: Utility Impacts Table G4: Drainage/Stormwater Impacts Table G5: School Impacts Table G6: Water Impacts
Appendix H	Staff Analysis	n/a
Appendix I	Contacts	n/a
Appendix J	Notification	n/a
Appendix K	Summary of Planning Commission Meeting	Attachments: <ol style="list-style-type: none"> <li>7. Planning Commissioner's Written Comments</li> <li>8. Ordinance Form</li> </ol>

## Appendix A: Application Supporting Information

Attachments:

1. Context Map
2. Future Land Use Map
3. Aerial Photography
4. Application
5. Owner's Acknowledgement
6. Submittal and Review History

## Appendix D: Unified Development Plan Supporting Information

Table D1. UDO Designation Intent	
<b>RU-5(2)</b>	<b>Residential Urban:</b> the RU-5(2) district is established to provide for orderly urban residential development and redevelopment with a minimum lot size of 5,000 square feet. A variety of single-family housing types, duplexes, and townhouses are permitted. While RU-5(2) is a residential district, certain nonresidential uses such as day care facilities, places of worship, and educational facilities may be sought through a special use permit or other limited provisions of the ordinance.

Table D2. District Requirements – RU-5(2)			
	Code Provision	Required	Proposed
<b>Maximum Residential Density (DU/Ac.)</b>	6.4.1	7.4	n/a

## Appendix E: Adopted Plans Supporting Information

Table E. Adopted Plans	
<i>Comprehensive Plan</i>	
Policy	Requirement
<b>Future Land Use Map</b>	Medium-High Density Residential (8-20 DU/Ac.)
<b>2.2.2b</b>	Demand for Residential Land
<b>2.3.3d</b>	Urban Tier Housing Types
<b>8.1.2m</b>	Transportation Level of Service
<b>9.4.1a, b</b>	Water Quantity and Quality Level of Service
<b>11.1.1a</b>	School Level of Service

## Appendix F: Site Conditions and Context Supporting Information

Table F. Site Context			
	Existing Uses	Zoning Districts	Overlays
North	Single-family residential, community service	RU-5(2)	n/a
East	Single-family residential	RU-5(2)	n/a
South	Single-family residential	RU-5(2)	n/a
West	Single-family residential	RU-5(2), RS-M	n/a

## Appendix G: Infrastructure Supporting Information

Table G1. Road Impacts		
South Driver Street is the major road impacted by the proposed zoning change. There are no scheduled City of Durham or NCDOT roadway improvement projects in the area.		
Affected Segments		South Driver Street
Current Roadway Capacity (LOS D) (AADT)		11,700
Latest Traffic Volume (AADT)		5,100
Traffic Generated by Present Designation (average 24 hour)*		150
Traffic Generated by Proposed Designation (average 24 hour)**		145
Impact of Proposed Designation		-5

Source of LOS Capacity: FDOT Generalized Level of Service Volume Table 4-1 (2009)

S. Driver Street: 2-lane major city/county roadway without left-turn lanes.

Source of Latest Traffic Volume: 2009 NCDOT Traffic Count Map

\*Assumption- (Max Use of Existing Zoning) –RU-M(D): 43 senior apartments

\*\* Assumption- (Max Use of Proposed Zoning) – RU-5(2): 18 townhomes

Table G2. Transit Impacts
Transit service is provided within ¼ mile of this site along East Main Street via DATA Route #13 and the closest bus stop is located at the intersection of East Main Street and North Driver Street at 101 North Driver Street.

Table G3. Utility Impacts
This site is served by City water and sewer.

<b>Table G4. Drainage/Stormwater Impacts</b>
The impacts of any change will be assessed at the time of site plan review.

<b>Table G5. School Impacts</b>			
The proposed zoning is estimated to generate two students if developed to its most intense potential under the proposed zoning designation. This represents two additional students more than the existing zoning. Durham Public Schools serving the site are Y.E. Smith Elementary School, Neal Middle School, and Southern High School.			
<b>Students</b>	<b>Elementary School</b>	<b>Middle School</b>	<b>High School</b>
<b>Current Building Capacity</b>	15,972	8,523	9,971
<b>Maximum Building Capacity (110% of Building Capacity)</b>	17,569	9,375	10,968
<b>20<sup>th</sup> Day Attendance (2009-10 School Year)</b>	16,027	6,723	9,639
<b>Committed to Date (April 2008 – March 2011)</b>	409	133	85
<b>Available Capacity</b>	1,022	2,656	1,222
<b>Potential Students Generated – Current Zoning*</b>	0	0	0
<b>Potential Students Generated – Proposed Zoning**</b>	1	0	1
<b>Impact of Proposed Zoning</b>	+1	0	+1

\*Assumption- (Max Use of Existing Zoning) –RU-M(D): 43 senior apartments, no children assumed

\*\* Assumption- (Max Use of Proposed Zoning) – RU-5(2): 18 townhomes



Table G6. Water Supply Impacts	
This site is estimated to generate a total of 1,980 GPD if developed to its maximum potential with the proposed zoning district. This represents a decrease of 3,825 GPD increase over the existing zoning district.	
Current Water Supply Capacity	37.00 MGD
Present Usage	20.19 MGD
Approved Zoning Map Changes (April 2008 –March 2011)	1.45 MGD
Available Capacity	15.36 MGD
Estimated Water Demand Under Present Zoning*	5,805 GPD
Potential Water Demand Under Proposed Zoning**	1,980 GPD
Potential Impact of Zoning Map Change	- 3,825 GPD

Notes: MGD = Million gallons per day

\*Assumption- (Max Use of Existing Zoning) –RU-M(D): 43 senior apartments

\*\* Assumption- (Max Use of Proposed Zoning) – RU-5(2): 18 townhomes

## Appendix K: Summary of Planning Commission Meeting Supporting Information

Attachments:

7. Planning Commissioner's Written Comments
8. Ordinance Form